

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	CRIMINAL ACTION NO.
v.	)	3:14cr334-MHT
	)	(WO)
CHARNESHA ALEXANDER	)	

ORDER

This case is before the court on Charnesha Alexander's motion for compassionate release (doc. no. 240). For the following reasons, it is ORDERED that the motion is denied without prejudice.

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Defendant Alexander seeks relief under 18 U.S.C. 3582(c)(1)(A), which provides, as relevant here:

"The court may not modify a term of imprisonment once it has been imposed except that—

(1) in any case—

(A) the court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt

*of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment), after considering the factors set forth in [18 U.S.C.] section 3553(a) to the extent that they are applicable, if it finds that—*

(i) extraordinary and compelling reasons warrant such a reduction;  
...

and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission."

18 U.S.C. § 3582(c)(1)(A) (*italics added*).

In the motion and related briefing, Alexander did not show that she has filed an administrative petition with the warden of her facility for the Bureau of Prisons (BOP) asking that the BOP file a motion on her behalf for a reduction in sentence (or in other words, for compassionate release) under 18 U.S.C. § 3582(c)(1)(A).

Section 571.61 of BOP Program Statement 5050.50 requires that a prisoner seeking a reduction in sentence submit to the warden a request for the BOP to file a motion for reduction in sentence (compassionate release) under 18 U.S.C. 3582(c)(1)(A). (This can also be submitted by an attorney or other person on her behalf. See BOP Program Statement 5050.50 § 571.61(b).) "An inmate may initiate a request for consideration under 18 U.S.C. 4205(g) or 3582(c)(1)(A) only when there are particularly extraordinary or compelling circumstances which could not reasonably have been foreseen by the court at the time of sentencing." 5050.50 § 571.61. Also, the request to the warden must contain the following information:

"(1) The extraordinary or compelling circumstances that the inmate believes warrant consideration.

"(2) Proposed release plans, including where the inmate will reside, how the inmate will support himself/herself, and, if the basis for the request involves the inmate's health, information on where the inmate will receive

medical treatment, and how the inmate will pay for such treatment."

*Id.*

As Alexander's motion for compassionate release did not show that she had filed such a request with her warden and that 30 days had lapsed since filing it, the court will deny her motion without prejudice.

DONE, this the 15th day of December, 2020.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE